



# ADA/504 Technical Assistance Tool

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## What is a Technical Assistance Tool?

- Developed by FHWA for Baseline Assessment Initiative
- Set of Questions Toward Determining Level of Compliance with Regulations
  - ☐ Answer Yes/No/Don't Know
  - ☐ Yes = Compliance with ADA/504
  - ☐ Work on moving No & Don't Know to Yes
- Provides Regulatory Citation w/ Questions

## Subparts A & B: General

Local Public Agency (LPA) Responsibilities			
A. General Requirements (Subpart A and B):	Yes	No	?
1. Does the LPA have a 504/ADA coordinator? (28 CFR 35.107(a) & 49 CFR 27.13(a))			
2. Does the LPA have an internal grievance procedure that allows for quick and prompt solutions for any complaints based on alleged noncompliance with 504/ADA? (Note: "Grievance procedure" refers to a process for external complaints) (28 CFR 35.107(b) & 49 CFR 27.13(b))			
3. Does the LPA keep on file for at least one year all complaints of noncompliance with ADA and 504 received? (49 CFR 27.121(b))			

## Subparts A & B: General (cont.)

4. Has the LPA drafted and disseminated to participants, applicants, employees, unions, and contractors/consultants a non-discrimination policy statement that states that the LPA does not discriminate on the basis of disability in admission or access to, or treatment or employment in its programs or activities? (28 CFR 35.106 & 49 CFR 27.15)			
1 Does the non-discrimination policy statement also identify the name, title, office address and office telephone number of the 504/ADA Coordinator? (28 CFR 35.107(a) & 49 CFR 27.15(a) and (b))			
6. Has the LPA conducted a self-evaluation of its current services, policies, and practices, and the effects thereof, to determine necessary modifications to achieve program accessibility? (28 CFR 35.105 & 49 CFR 27.11(c)(2)(i-v))			
7. If so, did the LPA provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments? (28 CFR 35.105(b) & 49 CFR 27.11(c)(2))			
8. Has the recipient established a system for periodically reviewing and updating the evaluation? (49 CFR 27.11 (c)(2)(v))			

## Subparts A & B: General (cont.)

9. Does the LPA maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities? (Note: includes LPA buildings and public rights-of-way facilities such as sidewalks, curb ramps and accessible pedestrians signal) (28 CFR 35.133)			
10. Does the LPA monitor sub-recipients who receive LPA assistance (local governments, contractors, consultants) to ensure compliance with Title II ADA and 504 with respect to LPA funded (both Federal and State \$\$) projects and programs that the sub-recipients implement? (28 CFR 35.130 (b)(1)(v) & 49 CFR 27.7 (V))			
11. Does the LPA provide a written assurance to the STA that it will not discriminate on the basis of disability in the provision of its programs, services, activities, and facilities, and that it will be in compliance with Section 504 and all of its requirements? (Note: this can be included in the Title VI assurance to FHWA) (49 CFR 27.9)			

## Subpart D: Facility Access

B. Program and Facility Accessibility ( Subpart D)		Yes	No	?
<i>Title II ADA Transition Plan requirements</i>				
1.	Has the LPA developed and implemented a transition plan that outlines which structural modifications must be made to those programs and services that are not accessible? (28 CFR 35.150(d) & 49 CFR 27.11)			
1.	Has the LPA also developed a curb ramp installation schedule as part of the transition plan for pedestrian facilities it owns, operates and/or maintains? (28 CFR 35.150(d)(2))			
3.	If so, did the LPA provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the transition plan process by submitting comments? (28 CFR 35.150(d)(1) & 49 CFR 27.11(c)(2))			
4.	Is the transition plan available for public inspection? (28 CFR 35.150(d)(1) & 49 CFR 27.11)			

## Subpart D: Facility Access (cont.)

5. Has the LPA modified any policies or practices that do not meet Section 504 according to a schedule or sequence that includes milestones or measures of achievement? (49 CFR 27.11 (c)(2)(iii))			
6. Has the LPA taken appropriate remedial steps to eliminate the effects of any discrimination that resulted from previous policies and practices? (49 CFR 27.11) (c)(2)(iv)			
7. Does the LPA have a process to analyze an existing program, service or benefit for determinations of "undue" financial or administrative burdens, or fundamental alteration to the program, service or benefit that comports with the criteria for making such determinations in 28 CFR 35.150 (a)(3) and 28 CFR 35.164? (Note: A process to conduct undue burden determinations is not required but is a best practice. However, the documentation of an undue burden determination by an LPA is required by these regulations)			

## Subpart D: Facility Access (cont.)

8. Does the LPA build new facilities and alter existing ones (both pedestrian ROW and LPA buildings) in accordance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and Appendix A of 49 CFR 37? (28 CFR 35.151 (c) and 49 CFR 27.3 (b))			
9. Does the LPA have a process and procedure for the installation of accessible features on the pedestrian rights-of-way (curb ramps, accessible pedestrian signals, etc.)?			
10. Does the LPA provide accessible highway rest areas and pedestrian underpasses, overpasses and ramps that are newly constructed or altered with Federal aid? (49 CFR 27.75)			
11. Does the LPA have a process for making technical infeasibility determinations for new construction and alterations that comports with the criteria in ADAAG 4.1.1 (5) and 4.1.6(J)?			
12. Does the LPA install curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway, when streets, roads, highways or crosswalks are newly constructed or altered, or when the crosswalk is constructed with Federal aid? (28 CFR 35.151 (e)(1)(2) and 49 CFR 27.75 (a)(2))			
13. Is the LPA installing detectable warnings in the form of truncated domes in curb ramps when roadways with pedestrian facilities are altered? (ADAAG 4.29 and FHWA policy guidance (May 2002))			

## Subpart E: Communications

C. Communications (Subpart E)		Yes	No	?
1.	Does the LPA provide auxiliary aids (sign language interpreters, readers, Braille, large print text) upon request, to LPA program participants with disabilities? (28 CFR 35.160 (b)(1) and 49 CFR 27.7(c))			
2.	Does the LPA notify the public and other interested parties that auxiliary aids will be provided, upon request (e.g., via public meeting announcement)? (28 CFR 35.160 (a), 28 CFR 35.163 (a), and 49 CFR 27.7(c))			
3.	Is the LPA website and all of its contents accessible to individuals with hearing or visual impairments? (28 CFR 35.160 (a), 28 CFR 35.163 (a), and 49 CFR 27.7(c))			
4.	Can hearing impaired individuals contact the LPA via TTD/TTY phone line or an equally effective telecommunications system such as a relay service? (28 CFR 35.161 and 49 CFR 27.7(c))			

## Post-TAT Recommendations

- Determine “Yes and No” from the “Don’t Know” List
- Develop strategies to address “No” answers
- Base strategy on the levels of risks and ease of accomplishments
- Prioritize accordingly
- Retest yourself at least once a year
- Mark progress
- Be Honest When Using the TAT



## Resources

- [http://www.access.gpo.gov/nara/cfr/waisidx\\_08/28cfr36\\_08.html](http://www.access.gpo.gov/nara/cfr/waisidx_08/28cfr36_08.html)
  - Department of Justice
- [http://www.access.gpo.gov/nara/cfr/waisidx\\_07/49cfr27\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/49cfr27_07.html)
  - Department of Transportation



Questions?



Thank You